

ESTTA Tracking number: **ESTTA282246**Filing date: **05/06/2009**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**Petition for Cancellation**

Notice is hereby given that the following party requests to cancel indicated registration.

Petitioner Information

Name	Intellect Technical Solutions, Inc.		
Entity	Corporation	Citizenship	Florida
Address	5404 Cypress Center Drive Suite 150 Tampa, FL 33609 UNITED STATES		

Attorney information	William G. Giltinan Carlton Fields, P.A. 4221 W. Boy Scout Blvd Suite 1000 Tampa, FL 33607-5780 UNITED STATES tgiltinan@carltonfields.com Phone:813-229-4241
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Registration Subject to Cancellation

Registration No	3009990	Registration date	11/01/2005
Registrant	Soni, Milena 972 Linda Vista Avenue Pasadena, CA 91103 UNITED STATES		

Goods/Services Subject to Cancellation


Class 035. First Use: 2002/05/01 First Use In Commerce: 2002/05/01 All goods and services in the class are cancelled, namely: Employment counseling and recruiting, Business Consultation, Business management and consultation, Business management consultation, Personnel management consultation, Psychological testing for the selection of personnel
Class 041. First Use: 2002/05/01 First Use In Commerce: 2002/05/01 All goods and services in the class are cancelled, namely: Career counseling

Grounds for Cancellation

Priority and likelihood of confusion	Trademark Act section 2(d)
Related Proceedings	Petitioner's application serial number 77/363060 for registration of INTELLECT is pending.

Mark Cited by Petitioner as Basis for Cancellation

U.S. Application No.	77363060	Application Date	01/03/2008
Registration Date	NONE	Foreign Priority Date	NONE

Word Mark	INTELLECT
Design Mark	
Description of Mark	NONE
Goods/Services	Class 035. First use: First Use: 1997/12/31 First Use In Commerce: 1997/12/31 Placement services, namely placing information technology professionals into information technology positions

Attachments	77363060#TMSN.jpeg (1 page)(bytes) Petition for Cancellation .pdf (6 pages)(152296 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/William G. Giltinan/
Name	William G. Giltinan
Date	05/06/2009

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In re: Registration No. 3,009,990
Trademark: ENTELLECT
Registered November 1, 2005

INTELLECT TECHNICAL SOLUTIONS, INC.

Petitioner,

v.

MILENA SONI,

Respondent.

Cancellation No.: _____

PETITION FOR CANCELLATION

Assistant Commissioner for Trademarks
VIA ESTTA

Petitioner, believing that it is or will be damaged by the continued registration of the above-identified trademark, hereby petitions to cancel the same, alleging as follows:

1. Petitioner, Intellect Technical Solutions, Inc., is a corporation of the State of Florida having an address of 5404 Cypress Center Dr., Suite 150, Tampa, Florida 33609.
2. Respondent, Milena Soni, on information and belief, is an individual having offices or residing at 972 Linda Vista Avenue, Pasadena, California 91103.
3. Respondent obtained registration of the service mark ENTELLECT in International Classes 35, 41, and 44 on November 1, 2005, as registration number 3,009,990 (the '990 registration).

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4. On information and belief, Respondent is the current owner of the '990 registration.

5. Respondent, in her registration, represents that she uses the mark in connection with:

Employment counseling and recruiting, Business Consultation, Business management and consultation, Business management consultation, Personnel management consultation, Psychological testing for the selection of personnel

in International Class 35, with a date of first use of May 1, 2002.

6. Respondent, in her registration, represents that she uses the mark in connection with "Career counseling" in International Class 41, with a first use date of May 1, 2002.

7. Respondent, in her registration, represents that she uses the mark in connection with:

Psychological counseling, Psychological consultation, Psychological testing services, Psychological testing

in International Class 44, with a date of first use of May 1, 2002.

8. Petitioner filed an application on January 3, 2008, as Application Serial No. 77/363,060 for registration of its mark INTELLECT, for use in connection with:

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Employment hiring, recruiting, placement, staffing and career networking services, namely recruiting and placing information technology professionals and staffing application development and information technology infrastructure positions

in International Class 35, with a first use date of December 31, 1997, and for use in connection with:

Consulting services in the field of computer-based information systems for businesses, namely providing software development, quality assurance, project management and infrastructure consulting services

in International Class 42, with a first use date of December 31, 1997.

9. Petitioner subsequently divided application 77/363,060 into two applications, after which the parent application (77/363,060) retained the services identified in International Class 35 and the child application (77/975,757) retained the services identified in International Class 42.

10. Child application (77/957,757) issued as registration number 3,546,884 on December 16, 2008.

11. The Examining Attorney rejected the parent application (77/363,060), citing a likelihood of confusion between Respondent's registration and Petitioner's application.

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12. Petitioner subsequently amended the description of services in the parent application to “Placement services, namely placing information technology professionals into information technology positions.”

13. The Examining Attorney maintained and made the rejection of parent application (77/363,060) final, again citing a likelihood of confusion with Respondent’s registration.

14. Petitioner has been using its INTELLECT as a service mark and trade name for recruiting and placement services since at least as early as December 31, 1997, more than four years prior to the date of first use of Respondent’s mark.

15. Petitioner will be injured by the continued registration of the trademark ENTELLECT by Respondent in that Petitioner’s own application for registration of a similar mark has been refused registration as being confusingly similar, thereby depriving Petitioner from benefiting from the use and registration of said mark.

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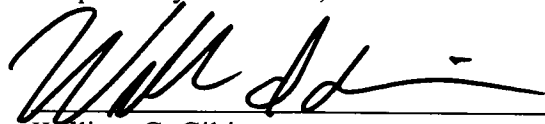
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WHEREFORE, Petitioner prays that Registration No. 3,009,990 be cancelled in part such that classes 35 and 41 are cancelled in their entirety, and that this Petition for Cancellation be sustained in favor of Petitioner.

Date: _____

May 6, 2009

Respectfully submitted,



William G. Giltinan
Carlton Fields, P.A.
P.O. Box 3239
Tampa, FL 33601-3239
(813) 223-7000
Attorney for Petitioner

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CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing on the owner of record for the above identified registration:

Milena Soni
972 Linda Vista Avenue
Pasadena, CA 91103

via First Class United States Mail (certified) deposited with the United States Postal Service on May 6, 2009.

Dated: May 6, 2009



William G. Giltinan
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(813) 223-7000
Attorney for Petitioner